

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	Case No. 2:10-CR-060
	:	
v.	:	JUDGE ALGENON L. MARBLEY
	:	
LORENZO ROJO-MURRILLO,	:	
	:	
Defendant.	:	
	:	

ORDER

This matter is before the Court on Defendant Lorenzo Rojo-Murrillo’s Motion for Return of Seized Property, to wit, \$4,215.00. (Dkt. 21.) Mr. Lorenzo requests that the Court place the funds, which were seized from his person by the Columbus Police Department, in an inmate trust fund account in his name. Defendant asserts that the Columbus Police Department (“CPD”) unlawfully seized the funds, then accuses his attorney, Ms. Duran, of somehow misappropriating the funds. The Government responded to Defendant’s motion, and confirmed that the funds in question were seized from the Defendant by the CPD upon his arrest, along with two loaded firearms, ammunition, marijuana paraphernalia and are being held in the CPD Property Division under the Defendant’s alias “Rey” Torrez. (Attachment 1.)

On February 10, 2010, Defendant was arrested by Columbus Police Officers for driving without a valid license. All of Defendant’s property was seized by CPD and placed in the custody of the CPD. Defendant, an illegal immigrant formerly convicted of armed robbery, was subsequently charged and convicted of reentering the United States after having been convicted of an aggravated felony, in violation of 8 U.S.C. §§ 1326(a) and (b)(2). Defendant claims that

the funds should be returned as there is no evidence that they are connected to drug-related transfers or any other illegal activity. The funds, however, are not in the possession of the Government or Ms. Duran. A defendant who moves for the return of seized property has the burden of showing either real or constructive possession of the property by the federal government. *United States v. Obi*, 100 Fed. App'x 498, 499 (6th Cir. 2004) (holding that district court did not abuse its discretion in denying a motion for the return of property where there was no evidence of record to show that the property was ever in the possession of the federal government).

To obtain his requested relief, if warranted, Defendant must seek the return of his property from the CPD or the City of Columbus.

The Defendant's Motion is **DENIED**.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

Dated: February 21, 2012